

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVEN REED, ET AL,

Plaintiffs,

vs

Case No: 10-13247

Honorable Victoria A. Roberts

INDIANA INSURANCE COMPANY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

The Plaintiff filed written objections to the Report and Recommendation of the Magistrate Judge, which recommended that the Motion to Remand filed by Plaintiff be denied.

By statute, this Court must make a *de novo* determination of those portions of the proposed findings to which objection is made, 28 U.S.C. 636(b)(1)(c).

The Court conducted a de novo review, and finds that the Magistrate Judge properly concluded that:

- (1) Defendant is not a third-party defendant in an action pending in Wayne County Circuit Court between Plaintiffs and various other defendants;
- (2) This declaratory judgment action is not a “direct action” for purposes of 28 U.S.C. § 1332(c), such that the citizenship of the insured party in the Wayne County Circuit Court action, should be conferred on this defendant, thereby destroying diversity; and
- (3) It is premature to address the joinder of Mikocem, LLC under FRCP 19 (from the Wayne County Circuit Court action) in this action; the issue is not ripe.

The Magistrate judge's analysis is sound and persuasive; her Report and Recommendation is accepted in its entirety.

IT IS ORDERED.

/s/ Victoria A. Roberts

Victoria A. Roberts
United States District Judge

Dated: June 9, 2011

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on June 9, 2011.

s/Linda Vertriest
Deputy Clerk